

REMARK

This is a full and timely response to the outstanding final Office Action mailed January 23, 2006. Claims 1, 2 and 5 – 9, 13 - 17 and 20 - 23 remain pending, claims 1, 9 and 17 having been amended. Reconsideration and allowance of the application and pending claims are respectfully requested.

Rejections under 35 U.S.C. § 103

The Office Action and subsequent Advisory Action indicate that claims 1, 2, 5, 7 – 10, 13, 15 – 17, 20, 22 and 23 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Kinjo* in view of *Ishihama*. Additionally, the Office Action indicates that claims 6, 13 and 21 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Kinjo* in view of *Ishihama*, and further in view of *Weldy*. Applicants respectfully traverse the rejections.

In this regard, the Actions contend that Applicants cannot show nonobviousness by arguing against the references individually. Although technically accurate, this contention appears to have been improperly applied. That is, Applicants are arguing at least one of the features recited in each of the pending claims is not present in any of the references. Stated differently, if Applicants can show that each of the references, individually, does not teach or reasonably suggest at least one feature recited in a claim, the combination fails to render that claim obvious.

With respect to the pending claims, Applicants respectfully assert, and the Actions agree, that nothing in *Kinjo* involves deleting, from a camera, cropped portions of merged images that were formed from images stored in the camera. However, the

Actions contend that *Ishimura* involves these features. Notably, *Ishimura* relates to a digital video camera with an improved zoom system. In particular, *Ishimura* discloses a:

. . . video camera including a zoom-up lens assembly magnifying an image, a charge coupled device picking up the magnified image, a recording medium for storage of the magnified image and a viewfinder having a display panel and a liquid crystal device for determining a partial area of the display panel on which the magnified image to be recorded is displayed. The liquid crystal device is controlled by a microcomputer so as to form an opaque frame-like line surrounding the partial area of the display panel.

(*Ishimura* at Abstract).

In addition, *Ishimura* discloses:

At the same time, when the preset magnification rate "N" is more than the maximum magnification rate "Z1", the microcomputer 14 controls the zoom-up lens assembly 28 of the viewfinder 26 so as to magnify the image of the scene at the maximum magnification rate "Z2" and activates the liquid crystal device 32 so as to form an opaque frame-like line thereon. Furthermore, the liquid crystal device 32 operates to provide an inside transparent zone and an outside translucent zone formed inside and outside, respectively, of the opaque frame-like line. The opaque frame-like line and both zones of the liquid crystal device 32 are projected on the display panel 30. The opaque frame-like line projected on the display panel 30 acts as a rectangular frame 34 surrounding a portion 36 of the image projected through the inside transparent zone of the liquid crystal device 32 on the display panel 30, as seen in FIG. 3. ***The portion 36 of the image surrounded by the frame 34 corresponds to the magnified image to be recorded on the recording medium 24.***

Accordingly, the rectangular frame 34 on the display panel 30 serves for dividing a whole area of the display panel 30 into a clear image area 36 thereinside on which the magnified portion of the image to be recorded is displayed, and a dull image area 38 thereoutside on which the remaining portion of the image to be excluded from the recorded image is displayed. ***The image on the clear image area 36 is actually enlarged at a magnification rate equal to the magnification rate "EZ" of the electronic zoom-up device 20 when it is recorded on the recording medium 24.***

(*Ishimura* at column 4, lines 8 – 35). (Emphasis added).

Clearly, *Ishimura* is also not involved with deleting, from a camera, cropped portions of merged images that were formed from images stored in the camera, as generally

recited in the claims. Since none of the asserted reference teach or otherwise disclose at least this feature, Applicants respectfully request that the rejections be removed.

In this regard, Applicant has amended claim 1 to recite:

1. A digital camera, comprising:
means for merging at least two images of a scene to form a merged image, the at least two images including different views of the scene;
means for cropping the merged image; and
means for storing an uncropped portion of the merged image such that, responsive to the at least two images being captured, *the means for storing stores the at least two images in memory and provides the at least two images for merging*;
wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted such that the cropped portion of the merged image is not stored in memory of the digital camera.

(Emphasis Added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 1 obvious. Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 1. Notably, neither reference discloses “wherein, subsequent to cropping of the merged image, the uncropped portion is stored by the means for storing and a corresponding cropped portion is deleted such that the cropped portion of the merged image is not stored in memory of the digital camera.” Since none of the references, even if combined, teach or reasonably suggest at least this feature, Applicants respectfully request that the rejection of claim 1 be removed, and that this claim be placed in condition for allowance.

Since claims 2, 5, 7 and 8 are dependent claims that incorporate the limitations of claim 1, and are not otherwise rejected by the Action, Applicants respectfully assert that

these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 9, that claim recites:

9. A method of controlling the operation of a digital camera, comprising:
- storing, in memory of the digital camera, at least two captured images* representing different image views of a scene;
 - merging, in the digital camera, the at least two captured images to form a merged image;*
 - displaying the merged image on a display of the digital camera;
 - deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer present in the digital camera;*
 - storing, in memory of the digital camera, an uncropped portion of the merged image such that the cropped portion of the merged image is not stored in the memory.*

(Emphasis added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 9 obvious. Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 9. Notably, neither reference discloses “deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer present in the digital camera.” That is, Applicants have utilized antecedent basis in claim 9 to indicate that the cropped portion was deleted after cropping of the merged image. Since none of the references, even if combined, teach or reasonably suggest at least this feature, Applicants respectfully request that the rejection of claim 9 be removed, and that this claim be placed in condition for allowance.

Since claims 14 - 16 are dependent claims that incorporate the limitations of claim 9, and are not otherwise rejected by the Action, Applicants respectfully assert that these

claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 17, that claim recites:

17. A computer readable medium for controlling the operation of a digital camera, comprising:

logic that merges at least two captured images, which have been stored in memory, corresponding to two different image views of a scene to form a merged image in the digital camera;

logic that stores an uncropped portion of the merged image in memory of the digital camera; and

logic that deletes a cropped portion of the merged image prior to storing the uncropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer present in the digital camera.

(Emphasis added).

Applicants respectfully assert that the cited references, either individually or in combination, are legally deficient for the purpose of rendering claim 17 obvious. Specifically, Applicants respectfully assert that the combination does not teach or reasonably suggest at least the features/limitation emphasized above in claim 17. Notably, neither reference discloses “logic that merges at least two captured images, which have been stored in memory” and “logic that deletes a cropped portion of the merged image prior to storing the uncropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer present in the digital camera.” Since none of the references, even if combined, teach or reasonably suggest at least this feature, Applicants respectfully request that the rejection of claim 17 be removed, and that this claim be placed in condition for allowance.

Since claims 20, 22 and 23 are dependent claims that incorporate the limitations of claim 17, and are not otherwise rejected by the Action, Applicants respectfully assert

that these claims also are in condition for allowance. Additionally, these claims recite other limitations that can serve as an independent basis for patentability.

With respect to claim 6, 13 and 21, Applicants respectfully assert that these claims are dependent claims that incorporate the limitations of claims 1, 9 and 17, respectively. Since *Weldy* does not teach or reasonably suggest the features that are identified above as lacking in the combination of *Kinjo* and *Ishihama*, Applicants respectfully assert that these claims also are in condition for allowance.

Cited Art Made of Record

The art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

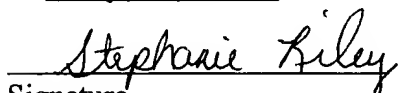


M. Paul Qualey, Jr., Reg. No. 43, 024
Attorney for Applicant
(770) 933-9500

IP Administration
Legal Department, M/S 35
Hewlett-Packard Company
P.O. Box 272400
Fort Collins, CO 80527-2400

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450,

on 6/2/06.


Signature